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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/620,135 | 07/15/2003 | Dong-Hi Lee | 5000-1-339 | 7845 |
| 33942 | 7590 | 10/05/2004 | EXAMINER | |
| CHA & REITER, LLC 210 ROUTE 4 EAST STE 103 PARAMUS, NJ 07652 | | | | NGUYEN, TU T |
| | | ART UNIT | | PAPER NUMBER |
| | | | | 2877 |

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------|------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/620,135 | LEE ET AL. | |
| | Examiner Tu T. Nguyen | Art Unit 2877 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bighouse et al (6,424,409) in view of Hepburn et al (6,025,906).

With respect to claim 1, Bighouse discloses a monitoring system for drawing an optical fiber. The system comprises: a scattering monitor housing 100 (fig 2B) provided on a path drawing the optical fiber and having holes 118, 120 (fig 2B) aligned on upper and lower ends of the scattering monitor housing with the optical fiber 106 (fig 2B) passing through; a reflecting plate 102 (fig 2B) surrounding the optical fiber in the scattering monitor housing for reflecting light scattered from the optical fiber to a detector 104 (fig 2B).

Bighouse does not explicitly disclose a light condenser as claimed. However, Bighouse teaches using mirror 102 (fig 2B) for focusing the light from the fiber onto the detector 104 (fig 2B) (column 5, lines 4-5). It would have been obvious that Bighouse's mirror performs the same function as the claimed light condenser. Further, Hepburn discloses a light condenser 44 (fig 3) for converging light to a detector 21 (fig 3) (column 4, lines 65-67). It would have been obvious to modify Bighouse with Hepburn's light condenser to make the system more accurate.

With respect to claims 2-4, the claimed controller for measuring the power of the electrical signal and comparing to a predetermined reference value to determine a non-uniform profile of the fiber would have been known. It would have been obvious to modify Bighouse with the known controller to determine the non-uniform profile of the fiber to ensure the quality of the fiber.

With respect to claim 5, the skill artisan would have been motivated to modify Bighouse with a warning system to warn the user when the power of the detected signal is greater than a predetermined value to correct the errors.

With respect to claims 6-8, using a photodiode or CCD camera or a CdS cell as a light detector would have been known. It would have been obvious to modify Bighouse with the claimed known detectors to use the system in different environments.

With respect to claims 9-11, using the claimed aspherical lens or convex lens or a combination of convex and aspherical lens for converging a light beam would have been known. It would have been obvious to modify Bighouse with the known lenses to reduce the system cost.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T. Nguyen whose telephone number is (571) 272-2424. The examiner can normally be reached on T-F 7:30-5:30.

Art Unit: 2877

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley Jr. can be reached on (571) 272-2800 Ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tu T. Nguyen
Primary Examiner
Art Unit 2877

09/23/2004